

**REMARKS**

Examiner Dang is thanked for indicating that Claims 1, 3-8 and 10-14 are allowed.

Claims 2, 9 and 15 are canceled. Thus, Claims 1, 3-8, 10-14, 16 and 17 are currently pending in this application, with independent Claims 16 and 17 being the only claims currently at issue.

Claim 16 is generally directed to an image processing apparatus comprising certain aspects of the present invention including an attribute information obtaining unit for obtaining attribute information that is appended to a first image, the attribute information including suitable size information for a second image to be combined with the first image, and a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information.

Claim 17 defines a corresponding method.

The Official Action rejects Claims 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,947 to *Koba*.

*Koba* discloses grouping multiple images on multiple pages thereby creating a photo album type display. Inputting the input images onto background images creates blank space (background image minus input images) on each page. Pages are unbalanced when one of the pages has a disproportionate amount of blank space compared to the other pages. When the pages are unbalanced the positions of the input images may be adjusted and the sizes of the input images may be reduced.

In rejecting Claims 16 and 17, the Official Action takes the position that *Koba* discloses determining the layout size of each image based on the amount of

excessive blank space on a page and that this operation corresponds to the feature of the present invention directed to using suitable size information for a second image appended to a first image to adjust the size of a second image. It is respectfully pointed out that this characterization of *Koba* is not accurate.

The amount of blank space on any single page is not suitable size information for an input image appended to the background, and the amount of blank space on any single page does not determine the reduced size of the input image. Rather, the ratio of blank space between different pages determines the position and reduced size of the input image. For example, if seven images are sequentially laid out over three pages, such that three images are on each of the first two pages and one image is on the third page, *Koba* judges that the third page has excessive blank space and the layout is poorly balanced. The seventh image is then shifted to the second page, the third page is eliminated, and the size of the seventh image is reduced in size thereby balancing the blank space between the first and second pages. See column 6, lines 52-59.

*Koba* does not disclose reducing the size of an inputted image based on suitable size information of a second image appended to a first image as recited in Claims 16 and 17 at least because the ratio of blank space between the pages is not suitable size information for an input image appended to any single background image.

Thus, *Koba* does not disclose at least the aspect of the present invention directed to an attribute information obtaining unit for obtaining attribute information that is appended to a first image, the attribute information including suitable size information for a second image to be combined with the first image, and a size

adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information as recited together with other features of the present invention in Claims 16 and 17.

For at least the reasons stated above, Claims 16 and 17 are allowable and this application is in condition for allowance.

In the event that there are questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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William C. Rowland  
Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620